

OP-87-0918

20 AUG 1987

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MEMORANDUM FOR: [REDACTED]

Legislation Division
Office of Congressional Affairs

VIA:

Deputy Director of Personnel
Deputy Director of Personnel for
Compensation, Automation, and Planning

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FROM: [REDACTED]

Compensation, Automation, and Planning, OP

SUBJECT:

H.R. 2487, Federal Employees Leave Act of 1987

1. We have reviewed referenced bill and the Office of General Counsel's (OGC) comments on the same subject. The bill would establish a voluntary annual leave transfer program for federal employees. Employees could transfer annual leave to other employees who need leave because of a medical or family emergency or other hardship situation requiring their absence from duty and resulting in a loss of income because of the unavailability of paid leave.

2. We fully support the purpose of this bill. Agency employees repeatedly have suggested, and we have reviewed in-depth, the possibility of donating leave for compassionate purposes. However, we offer the following comments that address several concerns:

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- a. We agree with OGC's comments that, due to [REDACTED] the possible release of personnel information, the Director of Central Intelligence rather than the Office of Personnel Management (OPM) should administer the leave transfer program within the Agency. We also agree with the position of the Deputy Director of OPM that interagency leave transfer should not be required. This would allow leave to be transferred solely between employees within the same agency.
- b. We further agree with OGC's request that language be added to the bill to protect Agency personnel information from disclosure to OPM, required in the bill in order for OPM to prepare its report to Congress.
- c. We believe that the establishment of a central leave bank would be more administratively feasible than a "donor employee to recipient employee" transfer system. First, this would eliminate the problem of

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restoring on a pro rata basis any remaining leave to the donors. Any leave remaining when the personal emergency terminates can be refunded to the leave bank for use for another employee experiencing serious hardships. Further, leave could be donated not only at the time of a specific need but also at the time of the Combined Federal Campaign, when employees are in a better position to determine if they will be forfeiting leave and thus have additional leave they can donate. This leads, however, to our next comment.

- d. We believe that there is ambiguity as to whether the bill would allow the donation of leave that would be subject to forfeiture if not used by the end of the leave year. The bill would be clearer if this issue were expressly addressed.

3. If we may be of further assistance, please contact me on secure